

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

ROBERT A. SABIN  
Plaintiff,

v.

COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,  
Defendant.

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File No. 1:05-CV-290

**ORDER**

The Magistrate Judge's Report and Recommendation was filed December 2, 2005. (Paper 4.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's complaint is DISMISSED without prejudice.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 4<sup>th</sup> day of January, 2006.

/s/ J. Garvan Murtha  
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J. Garvan Murtha  
United States District Judge